

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

MICHAEL FRAY GREEN,

*

*

Plaintiff,

*

*

v.

*

Civil Action No.:

*

NATIONAL TRANSFER, LLC, et al,

*

*

Defendants.

*

*

*

EVIDENTIARY SUBMISSION IN SUPPORT OF NOTICE OF REMOVAL

EXHIBIT A



State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Ca: 20 Date of Filing: 02/25/2022 JUDGE OF TRIAL: JUDGE CLERK: MARK R. EADY, CLERK
GENERAL INFORMATION		
IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA MICHAEL FRAY GREEN v. NATIONAL TRANSFER LLC		
First Plaintiff: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
First Defendant: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:		
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input checked="" type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____	OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> EPFA - Elder Protection From Abuse <input type="checkbox"/> QTLB - Quiet Title Land Bank <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
TORTS: PERSONAL INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property	OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Service	
ORIGIN: F <input checked="" type="checkbox"/> INITIAL FILING R <input type="checkbox"/> REMANDED	A <input type="checkbox"/> APPEAL FROM DISTRICT COURT T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT	O <input type="checkbox"/> OTHER
HAS JURY TRIAL BEEN DEMANDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <small>Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)</small>		
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED		
ATTORNEY CODE: CAS024 2/25/2022 2:53:20 PM Date		
/s/ BASIL TIMOTHY CASE Signature of Attorney/Party filing this form		
MEDIATION REQUESTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDECIDED		
Election to Proceed under the Alabama Rules for Expedited Civil Actions: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		



IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

MICHAEL FRAY GREEN,
Plaintiff,

V.

NATIONAL TRANSFER, LLC,
and Defendants A, the correct
legal designation of the name defendant;
Defendant B, whether singular or plural, thereby
intending to refer to an individual or entity who or
that was the owner of the vehicle being driven by
Todd McKee on the occasion made the basis of this
lawsuit; C, D, and E, whether singular or plural,
thereby intending to refer to the legal entity,
person, firm, or corporation for whose benefit
Todd McKee, was acting on the occasion made
the basis of this lawsuit; F, G, and H, whether
singular or plural, thereby intending to refer to the
legal entity, person, firm, or corporation who
negligently and/or wantonly entrusted the driver
of the vehicle, Todd McKee, on the occasion made
the basis of this lawsuit; all of those names are
unknown to the plaintiff at this time but will be
added by amendment when ascertained,
Defendants.

CASE NO.: CV 2022-_____

COMPLAINT

COMES NOW, the Plaintiff in the above-styled cause, by and through counsel, and respectfully shows unto this Honorable Court as follows:

GENERAL AVERMENTS

1. The Plaintiff, Michael Green, is over the age of nineteen (19) years and is a resident citizen of the State of Alabama.
2. The Defendant, National Transfer, LLC, is a business entity doing business and operating out of the State of Tennessee.
3. The Plaintiff is without sufficient information, knowledge or belief to aver the true and proper identities of Fictitious Defendants named in the style of this complaint (adopted herein) but will aver the same when ascertained.

4. All tortious acts of the Defendants occurred or took place in Colbert County, Alabama.

COUNT I

5. The Plaintiff reavers, realleges and sets out all matters contained in paragraphs 1 through 4 of this Complaint as if the same were set out fully herein.
6. On or about June 27, 2021, upon a public highway in Colbert County, Alabama, to wit: Highway 72 at or near the intersection of Indian Street in Colbert County, Alabama, Defendant, National Transfer, LLC, did negligently and/or wantonly cause or allow a motor vehicle to collide with Michael Green.
7. As a proximate consequence of Defendant's said negligence and/or wantonness, Michael Green was caused to suffer serious personal injuries and property damage.

WHEREFORE, Plaintiff demands judgment against the Defendant, National Transfer, LLC, in a sum for compensatory damages in such sum as a jury may deem just and appropriate under the circumstances, plus the costs of this action.

COUNT II

8. The Plaintiff reavers, realleges and sets out all matters contained in paragraphs 1 through 7 of this Complaint as if the same were set out fully herein.
9. On or about June 27, 2021, upon a public highway in Colbert County, Alabama, to wit: Highway 72 at or near the intersection of Indian Street in Colbert County, Alabama, the Fictitious Defendants did negligently and/or wantonly cause or allow a motor vehicle to collide with Michael Green.
10. As a proximate consequence of the Fictitious Defendants' said negligence and/or wantonness, Michael Green was caused to suffer serious personal injuries and property damage.

WHEREFORE, Plaintiff demands judgment against the Fictitious Defendants, separately and severally, in a sum for compensatory damages in such sum as a jury may deem just and appropriate under the circumstances, plus the costs of this action.

COUNT III

11. The Plaintiff reavers, realleges and sets out all matters contained in paragraphs 1 through 10 of this Complaint as if the same were set out fully herein.
12. The Plaintiff claims that on the occasion of the accident, the driver of the vehicle, Todd McKee, was incompetent to properly drive and operate the vehicle entrusted

to him by his employer, National Transfer, LLC. Furthermore, Plaintiff states that Defendant, National Transfer, LLC, was guilty of negligent entrustment of their vehicle to Todd McKee on the occasion of the accident made the basis of this suit. Said negligence and/or wantonness were the proximate cause of the injuries to Michael Green.

13. As a direct and proximate consequence of the negligence and/or wantonness of National Transfer, LLC, Michael Green was caused to suffer serious personal injuries and property damage.

WHEREFORE, premises considered, Plaintiff demands judgment against Defendant, National Transfer, LLC, in a sum for compensatory damages in such sum as a jury may deem just and appropriate under the circumstances, plus the costs of this action.

PLAINTIFF DEMANDS TRIAL BY JURY

Respectfully submitted,

s/Tim Case

Tim Case

s/Tim Case

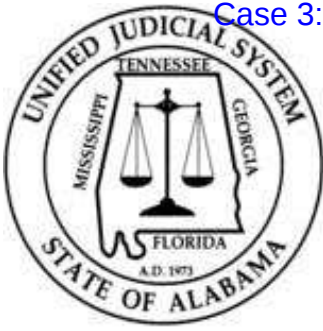
OF COUNSEL:

Tim Case (CAS024)
Attorney for Plaintiff
408 West Dr. Hicks Blvd.
Florence, Alabama 35630
(256) 740-0488
Fax: (256) 740-0487
jessica@timcaselawyer.com

NOTICE TO THE CLERK:

Please serve the Defendant via certified mail return receipt requested at:

National Transfer LLC
c/o John W. Beard
537 Market Street, Suite 300
Chattanooga, Tennessee 37402-1239



AlaFile E-Notice

20-CV-2022-900046.00

To: BASIL TIMOTHY CASE
jessica@timcaselawyer.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

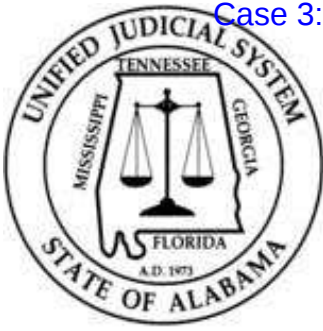
MICHAEL FRAY GREEN V. NATIONAL TRANSFER LLC
20-CV-2022-900046.00

The following complaint was FILED on 2/25/2022 2:52:56 PM

Notice Date: 2/25/2022 2:52:56 PM

MARK R. EADY
CIRCUIT COURT CLERK
COLBERT COUNTY, ALABAMA
P.O. BOX 740370
TUSCUMBIA, AL, 35674

256-386-8511
mark.eady@alacourt.gov



AlaFile E-Notice

20-CV-2022-900046.00

To: NATIONAL TRANSFER LLC
C/O JOHN W. BEARD
537 MARKET ST., SUITE 300
CHATTANOOGA, TN, 37402

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

MICHAEL FRAY GREEN V. NATIONAL TRANSFER LLC
20-CV-2022-900046.00

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CIRCUIT COURT CLERK
COLBERT COUNTY, ALABAMA
P.O. BOX 740370
TUSCUMBIA, AL, 35674

256-386-8511
mark.eady@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 20-CV-2022-900046.00
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IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA
MICHAEL FRAY GREEN V. NATIONAL TRANSFER LLC

NOTICE TO: NATIONAL TRANSFER LLC, C/O JOHN W. BEARD 537 MARKET ST., SUITE 300, CHATTANOOGA, TN 37402
(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),
 BASIL TIMOTHY CASE
(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 408 West Dr. Hicks Blvd, Florence, AL 35630
(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL
 PROCEDURE TO SERVE PROCESS:**

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of MICHAEL FRAY GREEN
(Name(s))
 pursuant to the Alabama Rules of the Civil Procedure.

02/25/2022 /s/ MARK R. EADY By: _____
(Date) *(Signature of Clerk)* *(Name)*

☒ Certified Mail is hereby requested. /s/ BASIL TIMOTHY CASE
(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____
(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
 _____ in _____ County,
(Name of Person Served) *(Name of County)*

Alabama on _____
(Date)

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Server's Printed Name)

(Phone Number of Server)

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$

Total Postage and Fees

\$

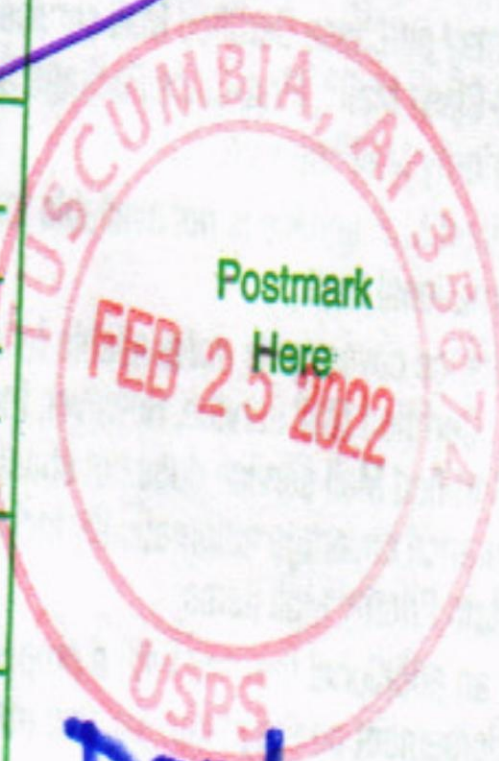
Sent To

National Transfer LLC

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Cv 22-9000410



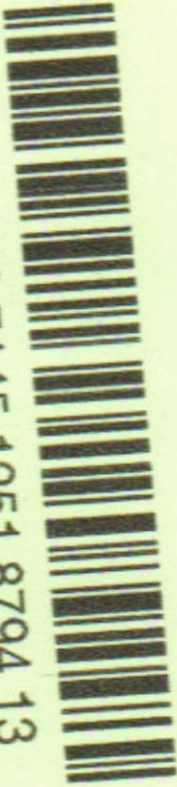
9985 2E62 2000 09TE 0202

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NATIONAL TRANSFER LLC
C/O JOHN W. BEARD
537 MARKET ST., SUITE 300
CHATTANOOGA, TN 37402



9590 9402 7145 1251 8794 13

2. Article Number (Transfer from service label)

7020 3160 0002 2932 5866

Restricted Delivery

Domestic Return Receipt

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent
☒ Addressee
 B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

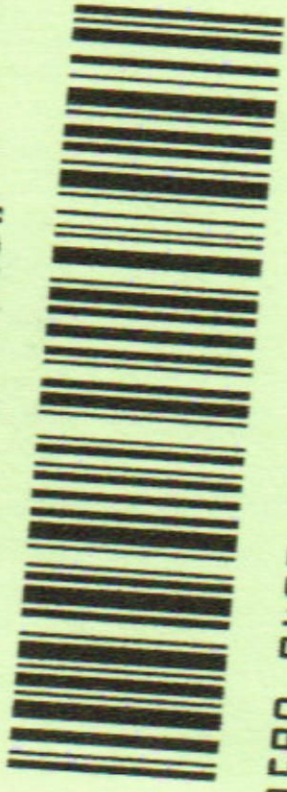
3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

WJW-4000410 0001

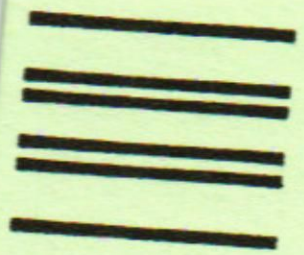
USPS TRACKING #



9590 9402 7145 1251 8794 13

United States
Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

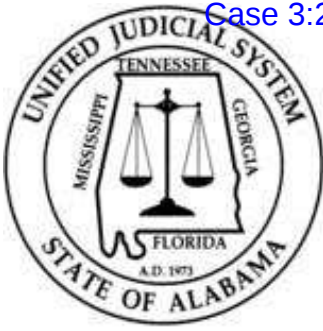


2022 MAR -3 AM 8:15
FILED IN OFFICE
MARK R. EADY
CIRCUIT COURT CLERK

• Sender: Please print your name, address, and ZIP+4® in this box •

Mark R. Eady
Circuit Clerk
Colbert County Courthouse
P.O. Box 740370
Tuscumbia, AL 35674





AlaFile E-Notice

20-CV-2022-900046.00

Judge: JACQUELINE M. HATCHER

To: CASE BASIL TIMOTHY
jessica@timcaselawyer.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

MICHAEL FRAY GREEN V. NATIONAL TRANSFER LLC
20-CV-2022-900046.00

The following matter was served on 3/3/2022

D001 NATIONAL TRANSFER LLC

Corresponding To
CERTIFIED MAIL

MARK R. EADY
CIRCUIT COURT CLERK
COLBERT COUNTY, ALABAMA
P.O. BOX 740370
TUSCUMBIA, AL, 35674

256-386-8511
mark.eady@alacourt.gov